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Comments submitted by the Office of Agriculture, Fisheries and Food of the Embassy of Spain in Washington D.C. to Docket No. 02N-0276 on the Registration of Food Facilities Proposed Rule under the Law of Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

Washington, D.C. April 3, 2003

The Office of Agriculture, Fisheries and Food of the Embassy of Spain in Washington has reviewed the Proposed Rule for the Registration of Food Facilities, (Department of Health and Human Services, FDA) and submits the following comments so they can be taken into consideration in the formulation of the final rule.

We understand and share the objective to take the necessary measures to prevent and protect the United States food supply against possible terrorist threats. We recognize that the health officials of the United States have the ultimate right to take the necessary actions to protect the public health. However, we believe that these measures must avoid distorting international trade, must be adequate and proportional, must not be discriminatory and must not result in a higher cost to foreign producers than to domestic producers, in particular small-scale producers.

The requirement to have a permanent agent in the United States is too taxing, particularly for small-scale exporters or for those companies that export infrequently. We believe that this requirement must be eliminated, or at least allow the exporter to designate an agent on a per-shipment basis. This change would more closely reflect the needs of those exporters who ship to various importers in the United States.

The requirement to register should not be applicable to companies that ship products in various stages of processing to their subsidiaries in the United States, where the products undergo further substantial processing. In cases like these, the company in the United States should be responsible for the products.

Some food facilities are already registered with the FDA for other matters (e.g. Low Acid Canned Foods). This results in an unnecessary duplication of registration with the same agency.

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